IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

PAULA CALDWELL, Plaintiff, Vs. FIRST RESPONSE, INC., d/b/a FIRST RESPONSE ENVIRONMENTAL GROUP, Defendant.	)))))))))))	No.________________

COMES NOW THE PLAINTIFF, by and through counsel, and for her Complaint in this matter, respectfully states unto this Honorable Court as follows:

JURISDICTION AND VENUE

1. This is primarily an action seeking damages, injunctive relief and attorneys' fees under Title VII of the Civil Rights Act of 1964, as amended (42 U.S.C. §2000, et seq.). The jurisdiction of this Court is invoked to secure protection of and redress deprivation of rights guaranteed by federal law. Plaintiff timely filed a complaint with the Equal Employment Opportunity Commission and has met all administrative prerequisites for the bringing of this action.
2. At all times material hereto, Plaintiff has been a citizen and resident of Maury County, Tennessee.
3. Defendant First Response, Inc., is a Tennessee corporation with headquarters located at 1411 South Dickerson Road in Goodlettsville, Davidson County, Tennessee. At all times material hereto, Defendant was a business entity employing in excess of fifty (50) employees.

4. Plaintiff, a female, is a member of a protected class as contemplated by Title VII of the Civil Rights Act of 1964.

5. A "right to sue" letter was issued by the EEOC on December 15, 2014 and received by Plaintiff on December 18, 2014. This matter is hereby timely filed.

FACTS

6. Plaintiff was hired by Defendant as a contract administrator on June 24, 2012 and was continuously employed by Defendant until February 14, 2014.

7. Plaintiff's initial salary was $38,000 per year.

8. During the course of her employment, Plaintiff was given additional responsibilities for billing and administration in Defendant's trucking division and received a raise in salary to $50,000 per year.

9. Plaintiff was subsequently promoted to, her title became Division Manager of Trucking and Transportation in addition to her contract administration duties. Although her she accepted additional responsibilities as Division Manager of Trucking and Transportation, she was not provided a salary equal to other Division Managers. Her duties included scheduling drivers, maintaining all trucking-related paperwork, supervising drivers, scheduling maintenance of all fleet vehicles and assuming responsibility for any other issues related to trucking and transportation.

10. During the entire course of Plaintiff's employment with Defendant she was subjected to a sexually hostile work environment and employment practices that are patently discriminatory toward females.

11. As Division Manager of Trucking and Transportation, Plaintiff was paid substantially less than male division managers while also having responsibilities as a contract administrator.

12. Plaintiff was routinely subjected to statements implying that she was promoted in exchange for performing oral sex performed by her on Defendant's Chief Executive Officer, Darryl Graham. Some of these statements were made by Graham himself, which contributed to and created a hostile work environment.

13. Plaintiff's authority was undermined with drivers under her supervision when management team co-workers Buddy Jones (General Manager of Emergency Response) and Keith Hall (Human Resources Manager) told new hires that Plaintiff gave all new drivers "a test drive" as a sexual innuendo. When CEO Graham was informed of these statements he asked "What do you expect me to do?" and took no action. Such actions contributed to and created a hostile work environment.

14. CEO Graham regularly shared details about his personal sex life into work related discussions with Plaintiff. When told he was sharing "TMI" (too much information), CEO Graham laughed at Plaintiff. Such statements and actions contributed to and created a hostile work environment.

15. CEO Graham referred to a sales representative as only being qualified because she was "eye candy" while telling Plaintiff that, after she lost a great deal of weight the company would "bring her out of hiding" due to Plaintiff's improved appearance. Most males working in the office were overweight but

not subjected to similar comments. Such statements contributed to and created a hostile work environment.

16. An employee with a significant workplace harassment history (Billy League) was retained and allowed free reign to harass and intimidate female employees, which contributed to and created a hostile work environment.

17. In full view of the Human Resources Director (Keith Hall), Billy League placed his hand on the buttocks of Plaintiff. When asked why he took no action and did not admonish League, Hall justified his inaction by stating that (Plaintiff) "didn't seem to mind." Such actions contributed to and created a hostile work environment.

18. Plaintiff was regularly subjected to verbal abuse by Billy League and was, on one occasion called a "stupid fucking cunt." When this was reported to CEO Graham he simply stated that it "sure sounds like Billy" and took no action to correct or reprimand League. Such actions contributed to and created a hostile work environment.

19. In the presence of the Human Resource Director (Hall), Buddy Jones proclaimed that Plaintiff obtained her promotion "on her knees under Darryl's desk." Such actions contributed to and created a hostile work environment.

20. Male employees occasionally and without reprimand commented on the breasts of Plaintiff and other females by making statements about "how cold it is in here" which continually undermined the authority of Plaintiff and promoted a hostile work environment.

21. CEO Graham told Plaintiff on multiple occasions to "stop being such a girl" and quite complaining about inappropriate workplace behaviors and the hostile work environment.

22. Keith Hall, while acting as Human Resource Director, actively circulated photos of Plaintiff after weight loss and repeatedly remarked that with her "new body' Plaintiff was "do-able". Such actions contributed to and created a hostile work environment.

23. Keith Hall, while acting as Human Resource Director, retrieved intimate photographs containing nudity from the laptop of a dismissed employee and circulated them around the office while making racial and sexual comments regarding the content of the photos, thereby contributing to and creating a hostile work environment.

24. CEO Graham regularly invited male employees of similar rank to Plaintiff on trips and after-work outings included but not limited to lake outings, happy hour gatherings, fishing trips and a ski trip while excluding Plaintiff, thereby inhibiting her ability to network and discuss company business on equal footing with male counterparts. Such actions contributed to and created a work environment discriminatory toward female employees such as Plaintiff.

25. CEO Graham promoted Keith Hall to Human Resources Director and retained him in that position even though he had no appropriate training or demonstrable knowledge of workplace harassment laws, thereby implementing and maintaining an inadequate structure for the handling of harassment complaints. Hall's own boorish behavior, tacitly endorsed by CEO

Graham created a chilling effect on the confidence that matters would ever improve for Plaintiff.

26. Defendant failed to implement, maintain or follow adequate policies designed to prevent workplace harassment, particularly in the company headquarters.

27. After repeated complaints regarding the hostile work environment and the inaction regarding (Human Resource Director) Hall's circulation of her photo and related comments, Plaintiff was demoted in direct retaliation for her attempt to assert her right to work in an environment free from gender discrimination and harassment.

28. After being demoted and with no substantive hope for improvement in the workplace environment, Plaintiff resigned her position. Plaintiff's resignation constitutes a constructive discharge.

CAUSES OF ACTION

29. Each and every previous allegation is hereby incorporated.

30. Responsibility for the actions of Defendant's agents and employees is lawfully imputed to Defendant.

31. Defendant's management level employees created, maintained and facilitated a sexually hostile and discriminatory workplace environment in which Plaintiff was subjected to gender based discrimination.

32. Plaintiff has been subjected to a sexually hostile work environment by Defendant through the actions and inactions of its management level employees and agents, including but not limited to the Chief Executive

Officer, Human Resources Director, General Manager of Emergency Response and others.

33. Defendant, through the actions and inactions of its management level employees and agents, subjected Plaintiff to gender-based discrimination through harassing comments and behaviors as well as a failure to pay her equally and provide female division managers opportunities for advancement equal to those of male division managers.

34. Defendant, through the endorsement of harassment and verbal abuse of Plaintiff by its management level employees, committed the tort of outrageous conduct against Plaintiff.

35. Defendant, in demoting Plaintiff subsequent to her assertion of rights under Title VII of the Civil Rights Act of 1964, committed an unlawful act of retaliation against Plaintiff for asserting a federally protected right.

36. Defendant, in maintaining an overtly hostile and discriminatory workplace and refusing to address Plaintiff's complaints, compelled Plaintiff to leave the company, thereby constructively discharging her from her employment.

37. Plaintiff has suffered financial damages as a direct and proximate cause of Defendant's behavior through the actions and inactions of its management level employees and agents.

38. Plaintiff has suffered other special damages as a direct and proximate cause of Defendant's behavior through the actions and inactions of its management level employees and agents.

WHEREFORE, having herein stated her Complaint against Defendant, Plaintiff respectfully prays unto this Honorable Court for the following relief:

(A) That this case be advanced case upon the docket;

(B) That this Court order a hearing at the earliest practical date;

(C) That Plaintiff be granted liberal leave to amend her Complaint to conform with the proof as it develops in this matter;

(D) That, at the conclusion of such hearing, each Plaintiff be granted a permanent injunction enjoining Defendant, its agents, successors, employees, and those acting in consort with any Defendant, from continuing to violate her civil rights;

(E) That an order be issued requiring Defendant to reinstate Plaintiff at her former job position or a higher position to which she may be entitled by virtue of her qualifications;

(F) That an order be issued granting Plaintiff back pay, pre-judgment interest, fringe benefits, and any other appropriate relief necessary to make Plaintiff whole and compensate her each for civil rights violation perpetrated against her by Defendant through its agents and employees;

(G) That an order be issued granting Plaintiff front pay, fringe benefits and any other compensation to which she may be entitled;

(H) That an order be issued granting Plaintiffs the costs of this action, including reasonable attorneys' fees, and such other legal and equitable relief as this Court deems just and proper;

(I) That Defendant be ordered to pay reasonable damages for their tortious and wrongful retaliation toward Plaintiff.

(J) That Defendant be ordered to provide reasonable and fair compensation for common law torts committed against Plaintiff under state law not to exceed one million dollars ($1,000,000);

(K) That Defendant be ordered to pay punitive damages for its hostile and egregious actions toward Plaintiff.

(L) Any other relief in law or equity to which Plaintiff may be entitled.

Respectfully Submitted:

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